

REMARKS

In the first Office Action, the Examiner rejected claims 1-9, 11-13, 15-28 and 30-32 and objected to claims 13 and 14. Also, claims 10, 14 and 29 were objected to, but were indicated to be allowable in substance, and the drawings were objected to.

By way of this amendment, claims 1, 2, 9, 10, 14, 15, 17, 20, 24, 26, and 29 are amended, and claims 2, 4, 18, and 19 are cancelled.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Objections

Claim 13 is amended to remove the typographical error.

Drawings Objection

The drawings are objected to because they fail to include the reference number 46 (the printing station) in FIGS. 2, 4 and 5 as mentioned on ,page 14, line 7 of the specification.

Amended individual replacement sheets for FIGS. 2, 4 and 5, each labeled "Replacement Sheet" and adding reference number 46, are enclosed to cure the objection.

Provisional Obvious-Type Double Patenting Rejections

Claim 1 is provisionally rejected as being unpatentable over claim 1 of copending U.S. Patent Application No. 10/731,705, and claim 20 is provisionally rejected as being unpatentable over claim 17 of copending U.S. Patent Application No. 10/731,705.

Claims 1 and 20 are amended to obviate the provisional obvious-type double patent rejections. Thus, there is no need at this time to file a Terminal Disclaimer and submit the appropriate fee under 37 C.F.R. § 1.20(d) in order to overcome the rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 5-9, 11, 13, 17, 20, 22-26, 28 and 30 are rejected under 35 U.S.C. §102(e) as being anticipated by Goldberg et al. (US 6,513,224).

Claim 1

Claim 1 as amended to as follows:

1. (currently amended) An apparatus for treating a recording element having an inherent durability characteristic that is capable of being increased and including a carrier that can be removed from the recording element, said apparatus comprising:

a carrier removal station adapted to remove a predetermined percentage of the carrier present in from the recording element; and

a converting station positioned downstream from the carrier removal station adapted to increase a the inherent durability characteristic of the recording element;

wherein the predetermined percentage of the carrier that is removed from the recording element is based on a minimum amount that needs to be removed to prevent blistering of the recording element at the converting station.

As amended, claim 1 is not anticipated by Goldberg et al. For example, the Examiner states that in Goldberg a binder is applied to increase the durability of the recording element. Providing a binder is materially different than the recitation in claim 1 that an inherent or built-in durability characteristic of the recording element is increased. Support for this can be found at 7:21-27, and 11:12-15, 20-22, 28-29, in the application.

Also, in Goldberg there is no explicit teaching or inherent suggestion of the recitation in amended claim 1 that the predetermined percentage of the carrier that is removed from the recording element is based on a minimum amount that needs to be removed to prevent blistering of the recording element at the converting station. Support for this can be found at 22:19-30, and 30:27 – 33:12 in the application.

It is appreciated that Goldberg at 6:61-67 mentions that the heaters can be adjusted to evaporate water in the ink to cure the binder without scorching the

textile, but this is not the same or an inherent suggestion of the recitation in claim 1 that the predetermined percentage of the carrier that is removed from the recording element is based on a minimum amount that needs to be removed to prevent blistering of the recording element at the converting station.

Claim 20

As amended, claim 20 is not anticipated by Goldberg et al. for the same reasons that amended claim 1 is not anticipated by Goldberg.

Claims 1 and 15-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Takekoshi et al. (JP 10-291304).

Claims 1 and 20

Claims 1 and 20 as amended are not anticipated by Takekoshi et al. (JP 10-291304). Takekoshi does not explicitly teach or inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element and then increasing an inherent or built-in durability characteristic of the recording element as called for in amended claims 1 and 20.

The Examiner states that since in Takekoshi the heater 103 dries the recording element which inherently involves evaporating a fluid carrier from the recording element, and since it is inherent to prevent damage to the recording element, this serves as an anticipation of claims 1 and 20. Also, the Examiner states that heat and pressure later applied increase the durability of the recording element. However, these disclosures are not sufficient to inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element and then increasing an inherent or built-in durability characteristic of the recording element as called for in amended claims 1 and 20.

Claim 20 is rejected under 35 U.S.C. §102(e) as being anticipated by Jurrens et al. (US 6,679,599). Jurrens et al does not explicitly teach or inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element and then increasing an inherent or built-in durability characteristic of the recording element.

As mentioned by the Examiner, Jurrens applies a coating which is a thermal transfer overcoat material 12 to the recording element. This, like the binder in Goldman et al., is materially different than the recitation in claim 1 that an inherent or built-in durability characteristic of the recording element is increased as called for in amended claim 20. Also, the Examiner states that since in Jurrens carrier is removed from a recording element, it is inherent that it be done without damage to the recording element. However, this is not sufficient to inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element as called for in amended claim 20.

Claims 1 and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by Takekoshi et al. (US 2003/023847).

Claim 1

Claim 1 as amended is not anticipated by Takekoshi et al. (US2003/023847). Takekoshi does not explicitly teach or inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element and then increasing an inherent or built-in durability characteristic of the recording element.

As mentioned by the Examiner, Takekoshi applies a protective coating, like the binder in Goldman et al., to the recording element. This is materially different than the recitation in claim 1 that an inherent or built-in durability characteristic of the recording element is increased as called for in amended claim 1. Also, the Examiner states that since in Takekoshi carrier is removed from a recording element, it is inherent that it be done without damage to the recording element. However, this is not sufficient to inherently suggest removing a predetermined percentage of the carrier from the recording element based on a minimum amount that needs to be removed to prevent blistering of the recording element as called for in amended claim 1.

Subject Matter

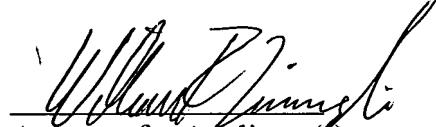
Claims 9, 10, 14, 15, 17, 24, 26 and 29 are amended to include subject matter that is allowable in substance as appears to be indicated by the Examiner under the heading "*Allowable Subject Matter*" in page 11 of the Office Action.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, this application is now in condition for allowance.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 45,287

William R. Zimmerli/amb
Rochester, NY 14650
Telephone: (585) 588-2758
Facsimile: (585) 477-1148

Enclosures: 3 sheets of Replacement Drawings--Figures 2, 4, and 5

~~If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.~~